

REMARKS

Claims 1-12, 14-20 and 22-27 are currently pending in the subject application, and are presently under consideration. The Specification has been amended to update related application references. No new matter has been added. Claims 1-12, 14-20 and 22-27 are rejected. Claim 7 has been amended. Favorable reconsideration of the application is requested in view of the amendments and comments herein.

I. Rejection of Claim 7 Under 35 U.S.C. § 112, Second Paragraph

Claim 7 stands rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention.

Claim 7 has been amended to correct a minor informality. The amendments to claim 7 are not intended to further limit the claim in any manner. Applicant's representative respectfully submits that claim 7 is no longer rejectable under 35 U.S.C. §112, second paragraph. Therefore, the rejection of claim 7 should be withdrawn.

II. Rejection of Claims 1-4, 13-17 and 22-27 Under 35 U.S.C. §103(a)

Claims 1-4, 13-17 and 22-27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,072,971 to Lassen, et al. ("Lassen"), in view of U.S. Publication No. 2004/0049367 to Kurosawa ("Kurosawa"), in further view of U.S. Patent No. 7,240,358 to Horn, et al. ("Horn"). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Claim 13 was canceled in a previous amendment. Accordingly, the rejection of claim 13 is moot.

Applicant's representative respectfully submits that claim 12 was mistakenly rejected. No specific arguments were made by the Examiner that Lassen taken in view of Kurosawa and in further view of Horn makes claim 12 obvious. Accordingly, Applicant's representative presumes the Examiner mistakenly listed claim 12 as being made obvious by Lassen taken in view of Kurosawa and in further view of Horn.

Claim 1 recites a client control application operative to initiate a plurality of transmission control protocol (TCP) connections and to assign each of a plurality of blocks (of a file) to one TCP connection of the plurality of TCP connections, such that each block is transmitted via its assigned connection, the client control application also providing configuration data that includes an indication of a quantity of the plurality of TCP connections. Lassen taken in view of Kurosawa and in further view of Horn fails to teach or suggest this element of claim 1. In the present Office Action, the Examiner contends that although Lassen does not expressly disclose a client control application that provides data that includes an indication of a quantity of TCP connections, the Examiner notes that Lassen discloses a file description that may include a set of channels available to download a file (See Office Action, Page 4 and Lassen, Col. 8, Lines 13-15). Claim 1 recites a client control application that is operative to initiate a plurality of TCP connections, and provide data that includes an indication of the quantity of the plurality of TCP connections. Applicant's representative respectfully submits that a set of channels that are available to download a file, as disclosed in Lassen, would in no way indicate a quantity of a plurality of TCP connections initiated by a client control.

Moreover, the Examiner also contends that Horn teaches that a client control application provides data that includes an indication of a quantity of a plurality of TCP connections (See Office Action, Page 4-5, citing Col. 18, Lines 40-45 of Horn). Applicant's representative respectfully disagrees. The cited section of Horn discloses that a client scheduler 262 determines rules for joining and leaving channels according to a media object description (See Horn, Col. 18, Lines 40-42). The cited section of Horn also discloses that the rules may specify the number of channels to join at any particular time (See Horn, Col. 18, Lines 42-45). In claim 1, the client control application is operative to initiate a plurality of TCP connections and provide data that includes an indication of the quantity of TCP connections initiated. Conversely, the cited section of Horn merely discloses that the client scheduler 262 employs a media object description to determine the number of channels to join at any particular time. That is, in the cited section of Horn, the number of channels to join only indicates possible connections, not connections that have been initiated. Thus, in contrast to the client control application recited in claim 1, the

client scheduler 262 disclosed in Horn does not provide data that includes an indication of a quantity of a plurality of TCP connections initiated.

The Examiner cited Kurosawa solely of Kurosawa's disclosure of a TCP connection (See Office Action, Page 5). However, the further addition of Kurosawa does not make up for Lassen and Horn. Accordingly, Lassen taken in view of Kurosawa and in further view of Horn does not make claim 1 obvious. Therefore, claim 1, as well as claims 2-4 depending therefrom, should be patentable over the cited art.

Claim 14 recites a server control application operative to monitor a plurality of TCP connections, to receive a plurality of blocks via the plurality of TCP connections, and to receive configuration data that identifies the quantity of the plurality of TCP connections, each block having an associated ordinal identifier. Lassen taken in view of Kurosawa and in further view of Horn fails to teach or suggest this element of claim 14. Instead, Lassen discloses a file description that may include a set of channels available to download a file (See Lassen, Col. 8, Lines 13-15). However, for reasons similar to those discussed above with respect to claim 1, a set of channels available to download a file does not correspond to data that identifies a quantity of a plurality of TCP connections, which is received by a server control application in claim 14. Moreover, the addition of Horn does not make up for the deficiencies of Lassen taken in view of Kurosawa. For reasons similar to those discussed above with respect to claim 1, an indication of the number of channels to join does not correspond to configuration data that identifies a quantity of TCP connections which is received by a server control application in claim 14. Accordingly, Lassen taken in view of Kurosawa and in further view of Horn does not make claim 14 obvious. Therefore, claim 14, as well as claims 15-17 depending therefrom, should be patentable over the cited art.

Claims 22 and 25 each substantially recite a methodology for implementing systems similar to the systems recited in claims 1 and 14. Accordingly, claims 22 and 25, as well as claims 23-24 and 26-27 depending therefrom, should be patentable over the cited art for reasons similar to claims 1 and 14. Therefore, withdrawal of the rejection is respectfully requested.

For the reasons described above, claims 1-4, 14-17 and 22-27 should be patentable over the cited art. Accordingly, withdrawal of this rejection is respectfully requested.

III. Rejection of Claim 5 Under 35 U.S.C. §103(a)

Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Lassen, Kurosawa and Horn, in further view of U.S. Patent No. 6,021,433 to Payne, et al. ("Payne"). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Claim 5 depends from claim 1 and is patentable for at least the same reasons as claim 1. Moreover, the further addition of Payne does not make up for the aforementioned deficiencies of Lassen taken in view of Kurosawa and in further view of Horn with respect to claim 1, from which claim 5 depends. In rejecting claim 5, the Examiner contends that Payne discloses the elements recited in claim 5 (See Office Action, Page 10, citing FIG. 13 and Col. 29, Line 65-Col. 30, Line 33 of Payne). Applicant's representative respectfully disagrees. Payne fails to teach or suggest a client control application providing e-mail notification of a status of transmission of blocks over a plurality of TCP connections to at least one remote location, as recited in claim 5. The cited section of Payne discloses a process for generating and processing e-mail alerts (See Payne, Col. 29, Line 66-Col. 30, Line 4). However, Payne provides no teaching or suggestion that any e-mail provided would include a status of transmission. Therefore, Lassen taken in view of Kurosawa, in further view of Horn and in further view of Payne does not teach or suggest a client control application providing e-mail notification of a status of transmission of blocks over a plurality of TCP connections, as recited in claim 5 (emphasis added). Accordingly, Lassen taken in view of Kurosawa, in further view of Horn and in further view of Payne does not make claim 5 obvious. Thus, withdrawal of this rejection is respectfully requested.

IV. Rejection of Claim 6 Under 35 U.S.C. §103(a)

Claim 6 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Lassen, Kurosawa and Horn, in further view of U.S. Patent No. 6,073,163 to Clark, et al. ("Clark"). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Claim 6 depends from claim 1 and is patentable for at least the same reasons as claim 1. Moreover, the further addition of Clark does not make up for the aforementioned deficiencies of Lassen taken in view of Kurosawa and in further view of Horn with respect to claim 1, from which claim 6 depends. In rejecting claim 6, the Examiner has cited Clark solely for Clark's disclosure of re-establishing a TCP connection (See Office Action, Page 10, Citing Col. 11, Lines 51-62 of Clark). However, Applicant's representative respectfully submits that the further addition of Clark does not make up for the aforementioned deficiencies of Lassen taken in view of Kurosawa and in further view of Horn. Accordingly, Lassen taken in view of Kurosawa, in further view of Horn and in further view of Clark does not make claim 6 obvious. Thus, withdrawal of this rejection is respectfully requested.

V. Rejection of Claim 7 Under 35 U.S.C. §103(a)

Claim 7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Lassen, Kurosawa and Horn, in further view of U.S. Publication No. 2003/0214906 to Hu, et al. ("Hu"). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Claim 7 recites a client control application operative to detect a lagging connection, and if a lagging connection is detected, the client control operation pauses at least one of a plurality of TCP connections to allow the lagging connection access to available bandwidth. Claim 7 depends from claim 1 and is patentable for at least the same reasons as claim 1. Moreover, the addition of Hu does not make up for the aforementioned deficiencies of Lassen taken in view of Kurosawa and in further view of Horn with respect to claim 1, from which claim 7 depends. In rejecting claim 7, the Examiner has cited Hu for disclosing that a node (Node-B) selectively controls flows to user equipment (UE), so that individual flows to one device may be suspended or reduced while allowing others to continue (See Office Action, Page 11, Citing Pars. [0029]

and [0031] of Hu). However, Applicant's representative respectfully submits that the further addition of Hu does not make up for the aforementioned deficiencies of Lassen taken in view of Kurosawa and in further view of Horn. Accordingly, Lassen taken in view of Kurosawa, in further view of Horn and in further view of Hu does not make claim 7 obvious. Thus, withdrawal of this rejection is respectfully requested.

VI. Rejection of Claims 8-12 and 18-20 Under 35 U.S.C. §103(a)

Claims 8-12 and 18-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lassen, Kurosawa and Horn, in further view of U.S. Publication No. 2003/0093485 to Dougall, et al. ("Dougall"). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Claims 8-12 and 18-20 depend from claims 1 and 14 and are patentable for at least the same reasons as claims 1 and 14, and for the specific elements recited therein. In rejecting claims 8-12 and 18-20, the Examiner relies on Dougall solely for disclosing a user interface (e.g., See Dougall, FIG. 18). However, the further addition of Dougall does not make up for the aforementioned deficiencies of Lassen taken in view of Kurosawa and in further view of Horn with respect to claims 1 and 14, from which claims 8-12 and 18-20 depend. Accordingly, Lassen taken in view of Kurosawa, in further view of Horn and in further view of Dougall does not make claims 8-12 and 18-20 obvious. Thus, claims 8-12 and 18-20 should be patentable over the cited art.

Additionally, claim 12 recites a graphical user interface (GUI) comprising a configuration routine that allows a user to specify at least one of an averaging period used for deriving an estimated duration for transmission and a number of TCP connections utilized in a transfer. In rejecting claim 12, the Examiner contends that Horn discloses allowing a user to specify a number of channels to join (See Office Action, Page 14, citing Col. 18, Line 40-54 of Horn). Applicant's representative respectfully disagrees with the Examiner's interpretation of the cited section of Horn. The cited section of Horn discloses that a client (e.g., a computer) may join one

or more channels to increase a reception rate (emphasis added; See Horn, Col. 18, Lines 50-51). However, nothing in the cited section of Horn teaches or suggests that a GUI comprises a configuration routine that allows a user to specify at least one of, an averaging period used for deriving an estimated duration for a transmission and a number of TCP connections utilized in a transfer, as recited in claim 12 (emphasis added). Instead, Horn merely discloses that a client may join one or more channels. Since a client (as disclosed by Horn) cannot correspond to a user, Horn cannot teach or suggest that a GUI comprises a configuration routine that allows a user to specify at least one of an averaging period used for deriving an estimated duration for a transmission and a number of TCP connections utilized in a transfer, as recited in claim 12.

The Examiner contends that an interface is impliedly taught in Horn because some means is necessary to allow a user to specify whether or not to join multiple channels (See Office Action, Page 14). Applicant's representative respectfully submits that the Examiner's conclusion is based on the false premise that Horn teaches allowing a user to specify whether or not to join multiple channels. Applicant's representative cannot find (nor has the Examiner provided) any section of Horn that teaches or suggests such a concept (a user specifying whether or not to join multiple channels). Moreover, Applicant's representative respectfully submits the absence of such a concept illustrates that Lassen taken in view of Kurosawa, in further view of Horn and in further view of Dougall cannot make claim 12 obvious.

For the reasons described above, claims 8-12 and 18-20 should be patentable over the cited art. Accordingly, withdrawal of this rejection is respectfully requested.

CONCLUSION

In view of the foregoing remarks, Applicant respectfully submits that the present application is in condition for allowance. Applicant respectfully requests reconsideration of this application and that the application be passed to issue.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,

Date 19 December 2007

/Christopher P Harris/
Christopher P. Harris
Registration No. 43,660

Customer No.: 26,294

Tarolli, Sundheim, Covell, & Tummino l.l.p.
1300 East Ninth Street, Suite 1700
Cleveland, Ohio 44114
Phone: (216) 621-2234
Fax: (216) 621-4072